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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Twin City Fire Insurance Company,

10 Plaintiff,

11 v.

12 Unknown Party, *et al.*,

13 Defendants.  
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No. CV-23-02166-PHX-JJT

**ORDER**

15 At issue is Defendant Victor Elias Zamora, Jr.'s ("Defendant") Motion for  
16 Reconsideration (Doc. 40). Defendant asks the Court to reconsider its Order (Doc. 35)  
17 denying his untimely request for an extension of time to answer the Complaint (Doc. 1).

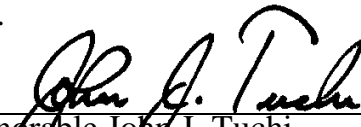
18 The Court does not find that it erred in denying Defendant's request to file an  
19 untimely Answer. Defendant asks the Court to accept his non-compliance with the  
20 applicable Rules on account of his *pro se* status, citing *Hebbe v. Pliler*, 627 F.3d 338, 342  
21 (9th Cir. 2010), for the proposition that a *pro se* litigant's complaint "must be held to less  
22 stringent standards than formal pleadings drafted by lawyers." That case does not apply to  
23 this situation, because the Court was not called on to examine the sufficiency of a  
24 pleading—that is, a complaint or answer—filed by Defendant. The Court was called on to  
25 examine whether Defendant complied with the applicable Rules, and if not, showed good  
26 cause for the failure to do so. Defendant's *pro se* status does not provide an excuse for him  
27 to fail to comply with Court Rules. *See Am. Ass'n of Naturopathic Physicians v. Hayhurst*,  
28 227 F.3d 1104, 1107-08 (9th Cir. 2000) (noting that *pro se* litigants are not excused from

1 following court rules); *Carter v. Commissioner of Internal Revenue*, 784 F.2d 1006, 1008  
2 (9th Cir. 1986) (same).

3 As the Court noted in its prior Order (Doc. 35), Defendant has stipulated in his  
4 Motion to this Court (Doc. 26) that he does not contest the substance of Plaintiff's claim in  
5 this matter. He opposes only Plaintiff's entitlement to attorneys' fees based on the facts  
6 that he does not contest Plaintiff's claim and has never sought insurance coverage from  
7 Plaintiff for the sexual abuse for which he was convicted and imprisoned. Again, the result  
8 is that the Court's denial of leave for Defendant to file an Answer results in no prejudice  
9 to Defendant, because he can oppose any claim by Plaintiff for attorneys' fees by  
10 responding to any Motion for Default Judgment Plaintiff files.

11 **IT IS THEREFORE ORDERED** denying *pro se* Defendant Victor Elias Zamora,  
12 Jr.'s Motion for Reconsideration (Doc. 40).

13 Dated this 12th day of April, 2024.

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15 Honorable John J. Tuchi  
16 United States District Judge  
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